

Board of Selectmen's Minutes

May 11, 2006

Harpswell Town Office

Approved June 8, 2006

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Selectmen Present: Selectmen Amy R. Haible, Samuel W. Alexander and Chairman Gordon L. Weil

Staff Present: Kristi K. Eiane, Town Administrator, Bill Wells, Codes Enforcement Officer and Terri Sawyer, Addressing Agent

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Weil at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Selectman Alexander moved, seconded by Selectman Haible to adopt the agenda as printed with one addition, item 11a. Acceptance of Gift and passed 3-0.

2. Town Administrator's Report: Kristi K. Eiane, Town Administrator, noted an earlier discussion with someone in the DOT's office and that they would like to have a Public Hearing tentatively set on June 5th at the Harpswell Islands School for discussion of the Cribstone Bridge project. Secondly Administrator Eiane addressed the recent closures regarding redtide. Lastly noted was the Memorial Day events including some of the guest speaker, schedule, and that the Old Town House will be open to the public.

3. Selectman's Announcements: Selectman Alexander briefly commented on a meeting attended by Cumberland County Sheriff John Cross on May 9th in Brunswick regarding fecal contamination in the water and noted that a large area is closed in Brunswick because of the contamination. At the meeting Deputy Cross questioned the data being used to determine the closures citing that the information is from 2005. Secondly Selectman Alexander announced that the Comprehensive Plan Implementation Committee will be posting on the Town's Website their proposals and will be holding their first meeting on May 31st at 7:00 p.m. at the Old Orr's Island Schoolhouse. Lastly noted was a tentative meeting of non-resident taxpayers on June 30th at 1:00 p.m. at the West Harpswell School. Selectman Haible congratulated the Keep Holbrook's Working and the Fishing Families organizations on their fundraising program put on last Saturday and additionally remarked on a tentative fundraiser set in July featuring a Jazz band. Also mentioned was the PTO's Annual Spring Auction. Lastly Selectman Haible referred to an earlier statement when she was first elected regarding meeting with people on Saturdays to discuss questions or concern and noted that she just recently had such a meeting with a group of people from Orr's Island.

4. Old Business:

- a. SAD 75:** Chairman Weil gave a brief update on the current progress of the Withdrawal Committee noting that there will be a meeting with the committee's council to discuss matters further in executive session on Saturday. Also mentioned was that the next negotiation meeting will be held on May 23rd at 6:00 p.m. at Mt. Ararat High School. A plan must be filed with the commissioner on June 2nd. Katherine Chatterjee inquired as to whether or not the public will have the opportunity to comment on the proposal being submitted on June 2nd. Chairman Weil stated his belief is that the Harpswell Withdrawal Committee may submit something on June 2nd and that the public will have an opportunity to talk about a final proposal before the process is complete.
- b. Administrative Meeting:** Chairman Weil briefly reviewed the discussion held at the last regular meeting. Katherine Chatterjee commented on the Administrative meetings that were held when she was a selectman in 1998 and further stated that she felt the Board needs to keep its openness obvious to the public. Selectman Haible moved, seconded by Selectman Alexander to defer the issue until the new selectman takes office in June, and passed 3-0.

5. Wharf Application: William & Ingrid Holmes, Map 35, Lot 139, Harpswell Island Road: Bill Well, Codes Enforcement Officer presented the application noting that there were no inquires on this application and recommends the applications approval. Selectman Alexander moved, seconded by Selectman Haible to approve the wharf application noting that it does not interfere with traffic or the rights of others and passed 3-0.

6. Consider Abatement Proposals for Removing Hazardous Material and Securing Buildings at Mitchell Field: Bill Wells, Caretaker, gave a brief history of the proposals. Mr. Wells recommended the Board enter into negotiations with Environmental Projects, Inc. of Gray, Maine; having been the lowest bidder and receiving a letter of

acknowledgement and assurance regarding the scope of work to be performed. Chairman Weil moved, seconded by Selectman Alexander to accept the bid and passed 3-0.

7. Consider Enforcement Action Regarding Land Use Violation(s): Chairman Weil gave a breakdown of the events that have led to this action regarding tree cutting on property owned by Stephen R. Leavitt located on Tax Map 65 Lot 37. Bill Wells, Codes Enforcement Officer, then provided additional information regarding the violation and time line of events. Donald Murphy a wetlands biologist with Maine Land Development of Livermore Falls acted as a representative of Mr. Leavitt, answering question from the Board and provided additional information. Robert Miller, from Cundy's Harbor, briefly described the parcel's condition prior to the current situation noting the tremendous change in landscape. Chairman Weil made the following motion:

I move that we notify the applicant through his representative that he has until the close of business on Monday to tell us if he would enter into a consent agreement whose two principle terms would be:

1. that he accepts a re-vegetation plan mandated by the Codes Enforcement Office, and
2. that he accepts that he will be liable for a fine to be determined by the Board of Selectmen.

If he does agree to that by Monday next the consent agreement must be reached by fifteen days thereafter. Failing either deadline, the Board then votes to authorize the Town Attorney, in cooperation with the Code Enforcement Officer, to take necessary and appropriate action including the filing of suit in state court to enforce the Town of Harpswell Shoreland Zoning Ordinance with respect to Tax Map 65, Lots, 37, 39, and 40 and to inform the selectmen of all proposed actions before they are undertaken. Also, any remediation plan that the Codes Enforcement Officer wants to hire professional to oversee or add to the plan should be paid by the property owner.

The motion was seconded by Selectman Alexander and passed 3-0.

8. Set Date & Time for Public Hearing on Proposed Parking Ordinance at Intersection of Mountain Road & Route 123: Chairman Weil noted that this proposed ordinance must be posted seven days prior to the public hearing and read the proposed ordinance. Chairman Weil moved, seconded by Selectman Alexander to set the public hearing for the next meeting, May 25th at 6:50 p.m. and passed 3-0.

9. Consider Harpswell Festival Committee Request for Use of Mitchell Field: Diane Moody was present on behalf of the committee to provide further information and answer any questions that the Board had regarding the application. Chairman Weil moved, seconded by Selectman Alexander to approve the request of the Harpswell Festival Committee for use of Mitchell Field and waive the advance deposit of \$5 per person and the fee of \$2 per attendee and allow the amplification of sound as done in the past. Motion passed 3-0.

10. Orr's Island Lease Agreements: Three lease agreements were presented for approval. Selectman Alexander moved, seconded by Selectman Haible to approve three separate lease agreements for Duane Toothaker, Paul Morgan and Jack Dunning and passed 3-0.

11. Acceptance of \$15,000 Grant from D.E.P. for Small Community Grant Program: Terri Sawyer, Codes Enforcement Officer, briefly described the reason for the Small Community Grant Program. Selectman Alexander moved, seconded by Selectman Haible to accept the \$15,000 grant from the D.E.P. and passed 3-0.

11a. Acceptance of Gift: Chairman Weil read the note attached to the cash gift. Selectman Haible moved, seconded by Selectman Alexander to accept the gift to help with plantings in honor of Sadie Nason and passed 3-0 with great appreciation.

12. Consider Request for Handicap Sign on Route 24, Bailey Island: Chairman Weil gave a brief description of the request. Selectman Haible moved, seconded by Selectman Alexander to contact the Codes Enforcement Office to find out where the signage would be best placed and to send a letter to the Temple family requesting that one the handicapped person no longer resides at the address that they advise the Town so the sign may be removed and passed 3-0.

13. Committee Assignments: Chairman Weil moved, seconded by Selectman Alexander to appoint Margaret Ann Greene to the Library Committee with a term to expire April 30, 2007 and passed 3-0. Selectman Haible moved, seconded by Selectman Alexander to appoint Jay Dwyer to the Solid Waste Committee with a term to expire April 30,

2007 and passed 3-0. Chairman Weil moved, seconded by Selectman Alexander to appoint Don Miskill, Jr. to the Recreation Committee with a term to expire April 30, 2007 and passed 3-0. There was one application for a position on the Conservation Commission however, Selectman Alexander was not aware of any opening and Administrator Eiane noted that she will look into whether or not the commission has any vacancies. Selectman Haible moved, seconded by Selectman Alexander to appoint Wallace Tobin and Burr Taylor to the Harbor & Waterfront Committee with terms to expire April 30, 2007 and passed 3-0.

14. Approval of Road Names: Terri Sawyer, Addressing Officer, gave a brief overview of the road and the name preferences given. Selectman Alexander moved, seconded by Selectman Haible to approve Homestead Lane and passed 3-0.

15. Authorization of the Warrant: Kristi Eiane, Town Administrator recommended approval of Warrants 26 and 27 and Payroll Warrant 19. Selectman Alexander moved, seconded by Selectman Haible to approve Warrant 26 in the amount of \$652,360.72, and passed 3-0. Selectman Alexander moved, seconded by Selectman Haible to approve Warrant 27 in the amount of \$12,391.00, Administrator Eiane noted that this is for an overboard discharge system and this is grant money and passed 3-0. Selectman Alexander moved, seconded by Selectman Haible to approve Payroll Warrant 19 in the amount of \$13,327.62, and passed 3-0.

16. Approval of Minutes: No minutes were presented for approval.

17. Public Comment: There was no public comment.

18. Adjournment: Chairman Weil noted that the next regular meeting will be in two weeks, May 25th with an administrative meeting to be held on May 23rd. Selectman Haible moved, seconded by Selectman Alexander to adjourn. The meeting was adjourned by unanimous vote at 8:52 p.m.

Respectfully Submitted,

Melissa N. Sergeant